

Dear Eric and Amalia,

Since our initial comments were submitted, some other members of our leadership have provided input. Please amend the comments with the new ones having priority – **The CSU requests that Cal/ OSHA continue to apply existing particulate OEL's until the process of establishing a new PEL for wildfire PM2.5 particulate is completed.**

Here are some supporting thoughts:

The differing EPA data on outdoor air concentrations of wildfire particulate matter and OSHA PEL for particulates (EPA = 150-200 **ug**/m3 vs. OSHA = 5-10 **mg**/m3) is problematic. For example, if an employee working indoors for 8 hours is exposed to 1 mg/M3 of dust, they are below the regulatory exposure limit but above the EPA's outdoor index range. It is our understanding that PEL's for employees are usually greater than ambient EPA exposures because they cover healthy workers, while the latter protects the entire population- children, seniors, sick, etc... So, applying this standard to workers does not follow the normal process for establishing an occupational exposure limit.

Another issue involves the exemption for local monitoring. The draft proposal seems to indicate that employers could use published AQI data to determine employee outdoor exposures or conduct self-monitoring for an exemption. However, if employers conduct local self-monitoring, then have two sets of data, one from government and one from the employer. This could present a problem in that people would question which one was correct if they differ. An employer may have some challenges in justifying this for their employees if their own data says it's safe, but the government data says it isn't. So, CSU suggests not sampling locally and instead use a PEL to issue guidelines on working outdoors (e.g., voluntary use of respirators, frequent breaks...).

Thanks and I look forward to meeting you next week.

Scott

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From: Neidhardt, Amalia@DIR <ANeidhardt@dir.ca.gov>
Sent: Monday, April 29, 2019 11:46 AM
To: Bourdon, Scott <sbourdon@calstate.edu>
Cc: Berg, Eric@DIR <EBerg@dir.ca.gov>
Subject: Re: Wildfire Smoke Rule Comments from CSU

Good morning Mr. Bourdon. We are in receipt of your comments on the Draft Regulatory text for proposed Title 8, Sections 5141.1 Protecting Workers from Wildfire Smoke.

We appreciate your interest in this occupational health and safety matter and can assure you that your comments will be given full consideration.

Thank you for participating in this rulemaking project.

- Amalia Neidhardt

From: Berg, Eric@DIR
Sent: Monday, April 29, 2019 11:25 AM
To: Neidhardt, Amalia@DIR; Kirkham, Chris@DIR
Subject: FW: Wildfire Smoke Rule Comments from CSU

From: Bourdon, Scott <sbourdon@calstate.edu>
Sent: Monday, April 29, 2019 11:25 AM
To: Berg, Eric@DIR <EBerg@dir.ca.gov>
Subject: Wildfire Smoke Rule Comments from CSU

Hello Eric,

Dear Eric,

Please see CSU comments on the emergency rulemaking and feel free to contact me with any questions or concerns.

Thanks,
Scott

Regarding C below, please include an explanation of approved methods to determine this such as an OSHA method, type of monitor, and/or "...conducted by a CIH or CSP".

(2) The following workplaces and operations are exempt from this section:

- (A) Enclosed buildings or structures where the air is filtered by a mechanical ventilation system and employee exposure to outdoor or unfiltered air is effectively limited.
- (B) Enclosed vehicles where the air is filtered by a cabin air filter and employee exposure to outdoor or unfiltered air is effectively limited.
- (C) The employer demonstrates that the concentration of PM_{2.5} in the air does not exceed a concentration that corresponds to an AQI of 150.

Regarding the AQI of 150, please consider revising it so the trigger point is a % of expected baseline (using year 2013 baseline). The "2018 Plan for the 1997, 2006, and 2012 PM_{2.5} Standard" Draft-August 31, 2018 by the San Joaquin Valley APCD (<http://www.valleyair.org/pmplans/documents/2018/pm-plan/2018-PM-25-Plan.pdf>) indicates on p. 5-5 that:

The U.S. EPA modeling guidance (U.S. EPA, 20141) recommends using modeling in a "relative" rather than "absolute" sense. Based on analysis of recent years' ambient PM_{2.5} levels and meteorological conditions leading to elevated PM_{2.5} concentrations, the year 2013 was selected for baseline modeling calculations...

§5141.1. Protection from Wildfire Smoke.

(a) Scope.

- (1) This section applies to workplaces where the Air Quality Index (AQI) for PM2.5 is greater than 150, regardless of the AQI for other pollutants, and
 - (A) A wildfire smoke advisory has been issued by a local, regional, state, or federal government agency; or
 - (B) There is a realistic possibility that employees may be exposed to wildfire smoke.

Note 1: The AQI and AQI forecasts are available from the U.S. Environmental Protection Agency AirNow website, California Air Resources Board, air pollution control districts, and air quality management districts.

Note 2: Information on areas where smoke from wildland fires may be of concern and wildfire smoke forecasts are provided by the Wildland Fire Air Quality Response Program (WFAQRP) of the U.S. Forest Service.

Change this section, adding "...during wildfire smoke events" after the 150 in sentence 1 of section C.

Wildfire Smoke. Emissions from planned or unplanned fires in "wildlands" (as defined in 42 USC 4302) in wildland-urban interfaces, or adjacent developed areas.

- (c) Identification of harmful exposures.** Whenever an employee may reasonably be expected to be exposed to an AQI greater than 150, the employer shall check AQI forecasts and the current AirNow website. The employer shall determine the AQI where employees are located, before and periodically thereafter as needed. The employer may also obtain AQI forecasts and the current AirNow website from the California Air Resources Board, the local air pollution control district, or the local air quality management district.

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